

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

CARON NAZARIO,

Plaintiff,

v.

JOE GUTIERREZ,
In his personal capacity

and

DANIEL CROCKER,
In his personal capacity,

Defendants.

Civil Action No. 2:21-cv-00169

**JURY DEMANDED BY
PLAINTIFF**

**DEFENDANT JOE GUTIERREZ’S PARTIAL MOTION TO DISMISS
PLAINTIFF CARON NAZARIO’S COMPLAINT**

Defendant Joe Gutierrez, by counsel, pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6), and on the grounds set forth in the Memorandum in Support of its Partial Motion to Dismiss filed herewith, or on such other grounds as the Court deems proper, moves this Court for the entry of an Order dismissing the Plaintiff Caron Nazario’s claims of violation of his First Amendment with prejudice.

Respectfully submitted this 14th day of May, 2021.

JOE GUTIERREZ

By: /s/ John B. Mumford, Jr.
Counsel

John B. Mumford, Jr. (VSB No. 38764)
Coreen A. Silverman (VSB No. 43873)
HANCOCK DANIEL & JOHNSON, P.C.

4701 Cox Road, Suite 400
Glen Allen, Virginia 23060
Tel: (804) 967-9604
Fax: (804) 967-9888
jmumford@hancockdaniel.com
csilverman@hancockdaniel.com
Counsel for Defendant Joe Gutierrez

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was filed with the Court's CM/ECF system, which caused a Notice of Electronic Filing to be emailed to the following:

Jonathan M. Arthur (VSB No. 86323)
Thomas H. Roberts (VSB No. 26014)
Andrew T. Bodoh (VSB No. 80143)
THOMAS H. ROBERTS & ASSOCIATES, PC
105 South First Street
Richmond, Virginia 23219
Tel: (804) 783-2000
Fax: (804) 783-2105
j.arthur@robertslaw.org
tom.roberts@robertslaw.org
andrew.bodoh@robertslaw.org
Counsel for Plaintiff

Robert L. Samuel, Jr. (VSB No. 18605)
Richard H. Matthews (VSB No. 16318)
Anne C. Lahren (VSB No. 73125)
Bryan S. Peeples (VSB No. 93709)
PENDER & COWARD
222 Central Park Avenue, Suite 400
Virginia Beach, Virginia 23462
Tel: (757) 490-6293
Fax: (757) 502-7370
rsamuel@pendercoward.com
rmatthew@pendercoward.com
alahren@pendercoward.com
bpeeples@pendercoward.com
Counsel for Defendant Daniel Crocker

This the 14th day of May, 2021.

/s/ John B. Mumford, Jr.
John B. Mumford, Jr. (VSB No. 38764)
Coreen A. Silverman (VSB No. 43873)
HANCOCK DANIEL & JOHNSON, P.C.
4701 Cox Road, Suite 400
Glen Allen, Virginia 23060
Tel: (804) 967-9604
Fax: (804) 967-9888
jmumford@hancockdaniel.com
csilverman@hancockdaniel.com
Counsel for Defendant Joe Gutierrez